

House File 363 - Introduced

HOUSE FILE 363
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO HF 256)

A BILL FOR

1 An Act relating to the duties and rulemaking authority of the
2 commission on veterans affairs.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 35A.3, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. Review and approve, prior to adoption, all proposed
4 rules submitted by the department concerning the management
5 and operation of the department and programs administered by
6 the department. ~~Unless the commission votes to disapprove a~~
7 ~~proposed rule on a two-thirds vote at the earlier of the next~~
8 ~~regularly scheduled meeting of the commission or a special~~
9 ~~meeting of the commission called by the commission within~~
10 ~~thirty days of the date the proposed rule is submitted, the~~
11 ~~department may proceed to adopt the rule.~~

12 Sec. 2. Section 35A.3, Code 2011, is amended by adding the
13 following new subsections:

14 NEW SUBSECTION. 6. Provide guidance and make
15 recommendations to the department during an annual review of
16 the department's proposed budget and provide guidance and make
17 recommendations for budget changes that occur during the fiscal
18 year.

19 NEW SUBSECTION. 7. Consult with the department
20 regarding certification training for executive directors
21 and administrators of county commissions of veteran affairs
22 pursuant to section 35B.6.

23 Sec. 3. Section 35A.5, subsection 9, Code 2011, is amended
24 to read as follows:

25 9. After consultation with the commission, provide
26 certification training to executive directors and
27 administrators of county commissions of veteran affairs
28 pursuant to section 35B.6. Training provided under this
29 subsection shall include accreditation by the national
30 association of county veteran service officers. Training
31 provided by the department shall be certified by the national
32 association of county veteran service officers and, in
33 addition, shall ensure that each executive director and
34 administrator is proficient in the use of electronic mail,
35 general computer use, and use of the internet to access

1 information regarding facilities, benefits, and services
2 available to veterans and their families. The ~~department~~
3 commission may adopt rules in accordance with chapter 17A
4 to provide for training of county veteran affairs executive
5 directors and administrators.

6 Sec. 4. Section 35A.5, subsection 12, Code 2011, is amended
7 to read as follows:

8 12. Adopt rules pursuant to chapter 17A and establish policy
9 for the management and operation of the department. Prior to
10 adopting rules, the department shall submit proposed rules
11 to the commission for review and approval pursuant to the
12 requirements of section 35A.3.

13 Sec. 5. Section 35A.8, subsection 4, paragraph a, Code 2011,
14 is amended to read as follows:

15 a. The executive director shall provide for the
16 administration of the bonus authorized in this subsection. The
17 ~~department~~ commission shall adopt rules, pursuant to chapter
18 17A, as necessary to administer this subsection including, but
19 not limited to, application procedures, investigation, approval
20 or disapproval, and payment of claims.

21 Sec. 6. Section 35A.8, subsection 5, paragraph a, Code 2011,
22 is amended to read as follows:

23 a. The executive director shall provide for the
24 administration of the bonus authorized in this subsection. The
25 ~~department~~ commission shall adopt rules, pursuant to chapter
26 17A, as necessary to administer this subsection including but
27 not limited to application procedures, investigation, approval
28 or disapproval, and payment of claims.

29 Sec. 7. Section 35A.8A, subsection 7, Code 2011, is amended
30 to read as follows:

31 7. The executive director of the department of veterans
32 affairs shall provide for the administration of the bonus
33 authorized in this section. The ~~department~~ commission
34 shall adopt rules, pursuant to chapter 17A, as necessary
35 to administer this section including but not limited to

1 application procedures, investigation, approval or disapproval,
2 and payment of claims. The ~~department~~ commission may expend
3 up to one percent of the moneys appropriated for the bonus
4 compensation authorized under this section for administrative
5 costs associated with the requirements of this section.

6 Sec. 8. Section 35A.13, subsection 5, Code 2011, is amended
7 to read as follows:

8 5. It is the intent of the general assembly that beginning
9 with the fiscal year beginning July 1, 2008, appropriations
10 be made annually to the veterans trust fund. Prior to any
11 additional appropriations to this fund, the ~~department~~
12 commission shall provide the general assembly with information
13 identifying immediate and long-term veteran services throughout
14 the state and a plan for delivering those services.

15 Sec. 9. Section 35A.13, subsection 9, Code 2011, is amended
16 by striking the subsection.

17 Sec. 10. Section 35A.14, subsection 5, unnumbered paragraph
18 1, Code 2011, is amended to read as follows:

19 The ~~department~~ commission shall adopt rules governing the
20 distribution of grants under this section in accordance with
21 the following:

22 Sec. 11. Section 35A.17, subsection 4, Code 2011, is amended
23 to read as follows:

24 4. The ~~department~~ commission shall adopt rules, pursuant
25 to chapter 17A, deemed necessary for the administration of the
26 county commission of veteran affairs training program.

27 Sec. 12. Section 36.8, Code 2011, is amended to read as
28 follows:

29 **36.8 Rules.**

30 The ~~department~~ commission shall adopt rules pursuant to
31 chapter 17A to implement this chapter.

32 Sec. 13. Section 36.9, Code 2011, is amended to read as
33 follows:

34 **36.9 Appropriations.**

35 This chapter shall be implemented by the ~~department~~

1 commission each fiscal year that appropriations are made to the
2 ~~department~~ commission for the implementation.

3

EXPLANATION

4 This bill makes changes relative to the duties and
5 responsibilities of the department of veterans affairs and the
6 commission on veterans affairs. The bill requires that the
7 commission, upon review of rules proposed by the department,
8 approve such rules before adoption by the department.

9 The bill specifies that the commission may adopt rules for
10 the provision of training to county veteran affairs executive
11 directors and administrators. The bill requires that the
12 commission consult with the department on such rules. The bill
13 also requires the commission to provide certain recommendations
14 to the department during annual budget reviews and any changes
15 that occur during the fiscal year. The bill further specifies
16 that the commission may adopt rules related to veterans
17 bonus application procedures, investigations, approvals or
18 disapprovals, and payments.

19 The bill requires that the commission identify and report
20 to the legislature on the short and long-term goals of the
21 veterans trust fund, prior to any future appropriations by
22 the general assembly. The bill strikes emergency rulemaking
23 authority over the veterans trust fund.

24 The bill also shifts the authority to adopt rules over the
25 injured veterans grant program and the county commission of
26 veteran affairs training program to the commission from the
27 department.

28 The bill further shifts the authority to adopt rules to the
29 commission from the department for issues regarding medical
30 reporting requirements related to veterans exposed to chemicals
31 while serving in the armed forces.

32 The bill finally allows the department to propose
33 rules regarding policy for the management and operation
34 of the department to the commission for the commission's
35 consideration.